IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 25278 of 2004

Between:

M/s.Surya Silk Industries Yemmiganur, rep by Managing Partner B.Satyanarayana
H.No.5-1367,Lakshmipeta, Yemmiganur,Kurnool Dist.

..... PETITIONER

AND

1 The Andhra Pradesh Co.op Bank, Troop Bazar, Hyderabad, represented by its General Manager
2 The Commissioner for Cooperation and Registrar of Coop. Societies, A.P., Hyderabad.
3 The District Co.op Central Bank, Kurnool, Kurnool District, represented by its General Manager
4 The Branch Manager Kurnool Dist Co.op Central Bank, Yemmiganur Branch, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction, writ or writs more particularly in the nature of Writ of Mandamus declaring the action of the respondents in putting a cut off date of payment of 25% on or before 31-12-2004 and the remaining 75% amount on or before 31-3-2005 in OTS Scheme and not passing any orders on his representation dated 23-12-2004 is illegal, arbitrary and against the principles of natural justice, unreasonable and unjust and consequently direct the respondents to extend the time for payment of 25% on or before 31-3-2005 and remaining 75% o f the due amount on or before 31-3-2006.

Counsel for the Petitioner: MRCH.JANARDHAN REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR COOPERATION

Counsel for the Respondent No. 3: Smt. K. Sesharajyam, Standing Counsel for the District Cooperative Central Bank, Kurnool.

Counsel for the Respondent No.4: Mr. D.S.N.V. Prasad Babu.

The Court made the following :

O R D E R:

The petitioner availed a loan from the third respondent. There was a default in repayment of the same. The petitioner owes certain amount to the third respondent. The third respondent evolved the scheme of One Time Settlement, according to which, any borrower intending to avail the same, has to deposit 25% of the amount due by 31-12-2004 and the balance 75%, in 12 instalments. The petitioner states that it made a representation to the third respondent with a view to avail the benefit of the scheme and sought for extension of time for payment of 25% of the amount due till 31-03-2005. It is stated that the third respondent has not taken steps and that in relation thereto, it submitted a representation dated 23-12-2004. The grievance of the petitioner is that no action has been taken thereof.

Heard learned counsel for the petitioner and learned Government Pleader for Cooperation and learned standing counsel for the respondents 3 and 4.

The third respondent has taken a decision to extend the benefits of the One Time Settlement Scheme to its subscribers. By its very nature, it is a policy matter and this Court cannot revise the same.

The question as to whether the request of the petitioner needs to be acceded to, or not, can be decided by the third respondent alone. The petitioner claims to have made a representation on 23-12-2004.

It is in the interest of the petitioner as well as the third respondent that an early decision is taken thereon. Any delay is likely to complicate the matter.

Hence, the writ petition is disposed of directing the third respondent to pass appropriate orders on the representation dated 23-12-2004, submitted by the petitioner, within a period of four weeks from the date of receipt of a copy of this order. No costs.

(L. NARASIMHA REDDY, J)

Date: 31-01-2005

Note:

Issue CC in three days.

(B/o)

ghn/pan

To

1 The General Manager, the Andhra Pradesh Co.op Bank, Troop Bazar, Hyderabad.
2 The Commissioner for Cooperation and Registrar of Coop. Societies, A.P.., Hyderabad.
3 The General Manager, the District Co.op Central Bank, Kurnool, Kurnool District.

4 The Branch Manager, Kurnool Dist Co.op Central Bank, Yemmiganur Branch, Kurnool District.

5 Two CCs to the Government Pleader for Cooperation, High Court Buildings,

Hyderabad. (O.U.T.)

6 Two CD copies.